

L I C H T E N & L I S S - R I O R D A N , P. C.

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MEMO ENDORSED

× ADMITTED IN MASSACHUSETTS
Δ ADMITTED IN CALIFORNIA
◇ ADMITTED IN NEW YORK
■ ADMITTED IN PENNSYLVANIA
^ ADMITTED IN NEW JERSEY
♦ ADMITTED IN CONNECTICUT
✧ ADMITTED IN DISTRICT OF COLUMBIA
□ ADMITTED IN TENNESSEE

March 1, 2022

VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
United States District Court for the
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

USDC SDNY
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Re: Rusis et al v. International Business Machines Corp.

Civil Action No. 1:18-cv-08434

**Plaintiffs' Letter Motion for Leave to File Under Seal Their Opposition
to Respondent IBM's Procedural Motion for Summary Judgment as
to Opt-Ins Asserting Constructive Discharge or Pretextual For-Cause
Termination Claims**

Dear Judge Caproni:

Pursuant to Your Honor's Individual Practice 5(B)(ii), Plaintiffs hereby move for
leave to file under seal their:

(1) Opposition to Respondent IBM's Procedural Motion for Summary Judgment
as to Opt-Ins Asserting Constructive Discharge or Pretextual For-Cause
Termination Claims (Dkt. 215);

(2) Plaintiffs' Local Rule 56.1 Responses to IBM's Statement of Material Facts
and Statement of Additional Material Facts in Opposition to IBM's Procedural
Motion for Summary Judgment as to Opt-Ins Asserting Constructive Discharge or
Pretextual For-Cause Termination Claims;

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(3) The accompanying Declaration of Shannon Liss-Riordan with all exhibits.

In their Opposition, Plaintiffs refer to documents and information that Respondent IBM has designated as “Confidential”. While Plaintiffs do not agree that this information should remain under seal considering the presumption of access discussed by the Second Circuit in Lugosch v. Pyramid Co. of Onandaga, 435 F.3d 110, 119-20 (2d Cir. 2006), IBM has not agreed to de-designate this information. Accordingly, Plaintiffs respectfully request that the Court allow them initially to file their Opposition and accompanying documents under seal, in order to allow the Parties an opportunity to further confer as to which portions of the briefing and exhibits must be filed under seal or with limited redactions, and which portions can be filed on the public docket.

Respectfully submitted,

/s/ Shannon Liss-Riordan

Shannon Liss-Riordan

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Attorneys for Plaintiffs

Application GRANTED. Defendant must identify by filing a sealed letter on the docket what information, if any, should be redacted from Plaintiff's filings in opposition to the two relevant motions described in Plaintiff's letters at Dockets 235 and 239 not later than **Friday, March 4, 2022**. Defendant is advised that, given the strong presumption of access elucidated in *Lugosch v. Pyramid Co. of Onandaga*, 435 F.3d 110, 119-20 (2d Cir. 2006), the Court imposes a high burden for allowing redactions on the public docket.

SO ORDERED.

Handwritten signature of Valerie Caproni in blue ink.

3/2/22

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE